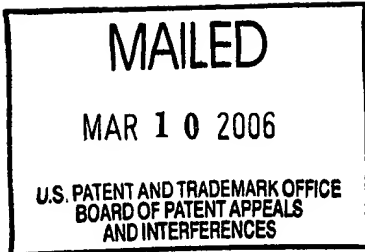


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VICTOR I. DEONARINE

Application 09/683,353

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

As stated in the Order Returning Undocketed Appeal to Examiner mailed September 19, 2005:

[A]ppellant filed an amendment to claims 1, 8 and 13. It is noted that language of claims 8 and 13 in the Appendix to the Appeal Brief (and revised Appendix submitted with the Reply Brief filed May 17, 2005) differs from its last amended version. 37 CFR § 192(c)(9) (2004) requires that the Appendix to the Appeal Brief contain a correct copy of the claims involved in the appeal.

Application 09/683,353

The examiner responded in the Office communication mailed October 3, 2005 which stated:

Claims 8 and 13 of the amendment filed 2/11/03 were replaced with claims 8 and 13 of the amendment filed 4/18/03, as indicated by Applicant during a telephone conversation on 9/28/05. Accordingly, the listing of claims in the Appendix to the Appeal Brief (and revised Appendix submitted with the Reply Brief filed 5/17/05) is correct and does not differ from the last amended version.

It should be noted that the February 11, 2003 Amendment of claims 8 and 13 read as follows:

8. (Once Amended) The dual temperature indicator stick of claim 1 wherein the connector is configured to snap fit the first and second indicator stick housings to the connector.

13. (Once Amended) The dual temperature indicator stick holder of claim 11 wherein the first and second housing elements each has a groove on an outer surface to engage an end of a clamp that surrounds a portion of the circumference of the housing elements and prevents rotation of the first and second housing elements.

However, while the Amendment filed April 18, 2003 notes that claims 8 and 13 were "previously amended," they do not reflect the addition of the language contained in the February 11, 2003 amendment.

Application 09/683,353

Accordingly, it is

ORDERED that the application is returned to the

Examiner:

1. for notification to appellant to submit a corrected Appendix to the existing defective Appendix or for the examiner to submit a corrected Appendix of claims; and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/psb

Ziolkowski Patent Solutions Group, SC (ITW)
14135 North Cedarburg Road
Mequon, WI 53097